

REMARKS

Applicants have filed herewith a Request for Continued Examination, and respectfully request entry of the response filed April 21, 2005.

The Harrison Reference

The Patent Office has stated that, in Harrison (U.S. Pat. No. 5,948,470), any degradation is done prior to transference of the substrates, such that no degradation of the substrate occurs. However, Applicants respectfully disagree with the Patent Office's characterization. In particular, Harrison states, in Col. 2, lines 61-67:

In this method, a block copolymer having a nanometer pattern is selected as a template or mask. A thin film of the block copolymer is coated onto a selected substrate. A selected component of the block copolymer is **then chemically altered or modified and/or physically removed from the coating** in the nanometer pattern of the block copolymer is then transferred to the selected substrate [emphasis added].

Thus, Applicants believe that the statement that the degradation occurs prior to transference to the substrate is incorrect, as Harrison states that the block copolymer is chemically altered or modified and/or physically removed *after* a thin film of the block copolymer has been coated onto a substrate.

Obviousness Rejections of Claims 52 and 91

With respect to claims 52 and 91, the Patent Office initially stated, in the Office Action mailed July 8, 2004, "one skilled in the art would have recognized the obviousness of the application of a masking coat to a substrate surface which is not entirely planer because of the expectation of providing desired coverage of the surface." After the Applicants requested a disclosure or suggestion in the prior art of such a curved surface to support this position in a response filed November 8, 2004 to avoid hindsight reasoning, the Patent Office stated, in the Final Office Action mailed January 7, 2005, "there is no hint of hindsight in this case, but rather simply obviousness to one of ordinary skill, Applicants failing to provide supporting evidence to the contrary." In the response filed April 21, 2005, Applicants repeated their position that it is the burden of the Patent Office to initially provide a *prima facie* case of obviousness.

Other than the naked statement by the Patent Office that “the examiner has set forth a convincing case of obviousness which by the lack of substantial rebuttal or evidence from the Applicants, appears to support the Examiner’s considerations,” there has been no showing of evidence of a teaching, suggestion, or motivation in any prior art reference of such a curved surface. It is thus respectfully maintained that the Patent Office must first provide an initial showing in the prior art (and not merely an unsubstantiated statement that one skilled in the art would have recognized obviousness), before the burden shifts to the Applicants to present rebuttal evidence of non-obviousness under 35 U.S.C. §103(a).

Cadmium Oxide (CdO)

With respect to the statement that the Applicants have agreed with the Examiner regarding the nature of CdO, respectfully, the Applicants have been misquoted by the Examiner. The Applicants stated, in the response filed April 21, 2005:

While Applicants agree that cadmium oxide may be poisonous or carcinogenic (although the Patent Office has failed to provide a reference supporting its position), Applicants believe that one of ordinary skill in the art, upon reading the instant application, would not believe cadmium oxide to be a biological agent. Nearly any substance may have deleterious effects on a biological organism under certain conditions. Applicants believe that one of ordinary skill in the art, in reading the instant application, would not interpret a “biological agent” to be any substance that could potentially affect a biological organism, but instead would understand that a biological agent is an agent that arises from a biological source. Examples of biological agents have been described in the specification. **Thus, Applicants disagree with the Examiner’s Official Notice that cadmium oxide is a biological agent [emphasis added].**

Applicants thus believe that they clearly challenged the Examiner’s Official Notice that CdO is a biological agent, and thus, the Applicants have not conceded that cadmium oxide is a biological agent.

CONCLUSION

In view of the foregoing remarks, this application should now in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes, after this amendment,

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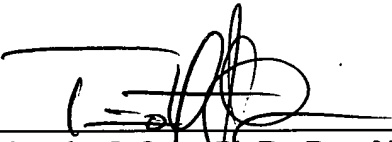
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that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representatives at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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